DOCKET FILE COPY ORIGINAL

Before the

Federal Communications Commission

Washington, DC 20554

In the matter of	)	
	)	
An allocation of Spectrum for the	)	
Private Mobile Radio Services	)	RM-9267
	)	

To: The Commission

COMMENTS OF

ROBERT L. CARON

The undersigned, a licensed Extra Class radio amateur (K4GP), wishes to comment on the above noted Petition for Rulemaking submitted on April 22, 1998 by the Land Mobile Communications Council (LMCC).

Commentator takes no issue with either the wishes of the Balanced Budget Act Conference Committee nor the fundamental premise contained in the request for additional spectrum by the LMCC. The Petitioner's statement makes a compelling case for the public's increasing need for the unique services provided by the Private Mobile Radio Service's use of the precious national resource that is the electromagnetic spectrum.

The LMCC's request for a primary allocation in the 420 to 430 mHz and 440 to 450 mHz bands (70 cm), however, begs a closer look at the matter of balance in the proper and judicious management of that spectrum. There exists ample precedence that the careful preservation, by statute and regulation, of portions of our traditional natural resources in

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the name of recreation, the public good, and the advancement of culture —however useful such lands, lakes, forests, and wildlands might be in commerce and industry— is a valid public policy concept. In the case of the electromagnetic spectrum, the bandwidth occupied by the Amateur Radio Service can be said to be the functional equivalent of the lands held on behalf of all the people by government agencies such as the Interior Department through its bureau, the National Park Service.

Of the approximately 1,000,000 square miles of Federally-held land in the United States, over 12% is overseen and protected by the NPS—and all of it immune to even the mere suggestion of development by commercial interests. Many of the small slices of spectrum currently assigned to the Amateur Radio Service, while in total not close to approximating the percentage of federal land held in trust for the people, are understandably tempting to the spectrum-starved Private Mobile interests. Not unlike park land or green space, amateur radio frequencies held in reserve for experimentation, education, and emergency use can and often do, from certain perspectives, appear to be underutilized.

That the LMCC is apparently willing to plunder spectrum without regard for proper balance between public and private interests raises concerns that other trade groups might soon be ready to advocate paving over Central Park as a cure to the shortage of parking in New York. Perhaps others would endorse the flooding of the Grand Canyon for a fish farm, or suggest that the Presidio in San Francisco be converted to land for high density housing. And, considering that it's potentially sensible from a purely utilitarian standpoint, are we on the verge of a suggestion to turn over Yellowstone and Yosemite to Disney for theme-park use?

Naturally, such proposals would all too predictably draw a firestorm of derisive commentary. It is unclear, however, what distinction if any the LMCC makes in asking that a large portion of the amateur radio 'park land' in the 70 cm band be forever cancelled by their request for a primary assignment of this space to Land Mobile interests.

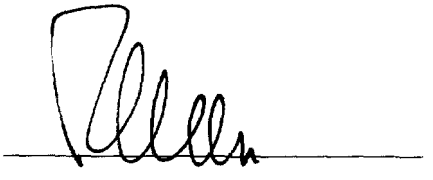
Of course, the LMCC will counter that the asked-for spectrum at 420 and 440 mHz is actually Federal space, and that their proposal would not disturb the secondary status for amateurs that presently exists. Let it not pass without notice, however, that the present secondary status of amateurs to a few Wind Profilers and PAVEPAWS installations is dramatically different than the 'sharing' proposed in the LMCC presentation. In the latter scenario, the amateur's secondary standing is on a non-interfering basis with what other parts of their petition tell us will be millions of land mobile users fleeing the acute overcrowding on their present channels. Any honest appraisal of the two alternatives would lead to the inevitable conclusion that the LMCC plan would do no less than obliterate amateur radio from all or most of the 70 cm spectrum.

Should it not be as unconscionable to convert electronic 'green belts' to commercial use as it would be to similarly supplant the public's access at other irreplaceable national resources such as seashores, mountains, and wildlands? Amateur radio has historically provided invaluable service to the public at times when discreet radio systems—however many thousands of units they represent—either failed completely or proved only minimally useful to the general public in disasters. Petitioner's own filing contains references to the lack of reliability in the Commercial Mobile Radio Service under exigent circumstances, primarily due to the tendency of the systems to overload under conditions of abnormally high demand. Although not specifically included in the aforementioned LMCC presentation, a logical extension of that thinking would suggest that the 'closed circuit' design of systems in the Private Mobile Radio Service likewise would make such units unlikely to provide significant or long-term public benefit in any kind of widespread disaster or emergency. That the PMRS primarily exists for the purpose of facilitating business activities should not be to its detriment. However, due to its naturally limited ability to provide adequate service to the general public in situations where life and property are threatened, the PRMS should neither exist at the expense of the public's right to adequate communications while such conditions exist.

The 70 cm amateur radio allocation, as presently shared with Federal users, represents tens of thousands of frequency-agile radios—portables, base stations, mobiles, and repeaters—standing at the ready, able to do for the public safety and welfare what no dedicated Commercial or Private radio system can ever hope to deliver. Amateur radio uniquely provides complete portability, rapid deployment, and easy adaptability to whatever needs that develop. In sharp contrast to fixed services, an amateur radio installation can quickly perform multiple dynamic re-adaptations as is necessary to track unpredictably changing emergency conditions. Is there anyone able to assert that the invasion of the spectrum at 70 cm by fleets of taxicabs, sand trucks, and waterfront cranes will be a wise trade-off for the present vast array of emergency equipment and trained operators so displaced?

In disaster after disaster, the record is clear: Amateur radio operators have consistently risen to the occasion of life and property-saving service to the public. The re-assignment of the 70cm frequencies requested by the LMCC to dense Private Mobile usage would eliminate a large portion of amateur radio's reserve emergency capacity. It would also discourage the development of useful new digital technologies, reduce the incentive for attracting new participants, and cause an incalculable loss to the concept of balanced spectrum availability. I urge the Commission to find the LMCC's suggestion for spectrum re-assignment at 70 cm inconsistent with both the wishes of Congress and its own charter to prudently administer the nation's electromagnetic spectrum.

Respectfully submitted,



Robert L. Caron, K4GP
8805 Tamiami Trail, North
Naples, FL 34108-2525

May 27, 1998

Dan Kasteler
5313 Majestic Village Circle
Murray, Utah 84123

May 28, 1998

In the Matter of	)	
	)	RM-9267
A Petition for rule making submitted	)	
by the Land Mobile Communications	)	
Council	)	

FORMAL COMMENTS CONCERNING
A PETITION FOR RULE MAKING
SUBMITTED BY THE
LAND MOBILE COMMUNICATIONS COUNCIL(LMCC)

Office of the Secretary
Federal Communications Commission
Room 222
1919 M. Street NW
Washington, D.C. 20554

I am submitting this response to the petition for rule making that was submitted by the Land Mobile Communications Council.

I opposes the proposal by the LMCC to become the Primary user to share with the Amateur Radio Service as a secondary user, the frequencies 420-430, 430-440 and 440-450 Mhz frequencies with PMRS Licensee's. I Own and operate 3 ea 440 Mhz Repeater systems located in Murray, Utah

These frequencies are extremely popular with existing amateur radio repeaters, linking systems, ATV repeaters and digital packet networks throughout the State of Utah.

The Amateur Radio Service (ARS), as a secondary user, has successfully co-existed with the Federal Governmental Service. Sharing this service with the Private Mobile Radio Service (PMRS) will severely disrupt the ARS. The Licensed PMRS users will want to use these frequencies as much as possible and will not likely tolerate any sharing with the ARS leaving little to no availability of these frequencies for the ARS.

The ARS assists with communications for Emergency Services for the State of Utah and numerous County and City agencies throughout the State of Utah using existing relay systems in the 420-450 Mhz Band.

The availability of equipment at 420-450 Mhz has made it more practical for the ARS to build repeaters and linking systems. This would not be the case if the ARS were displaced to 1390-1395 and 1427-1432 Mhz. The 10 Mhz of Microwave spectrum is not the equivalent of 30 Mhz of UHF Spectrum.

The LMCC proposal states that it can share frequencies with the ARS being the secondary user. This will effectively eliminate the ARS from 420-450 Mhz.

With the proposed transfer of these frequencies from Federal to Non-Federal use in 1999, we propose that the ARS become the primary user. The ARS has occupied these frequencies with numerous repeater systems for many years.

We also propose that the LMCC look at unused UHF Television channels from CH14 to CH20. Two Way Radio equipment is currently available from multiple manufactures and the frequencies are available.

Since the LMCC is looking for new spectrum in which to place PMRS users, only new spectrum efficient modes such as ACSSB should be looked at being used in these new frequency bands. This would benefit the public with more channels available in the new spectrum than would be available in the older FM modes. There would be at least a 5 to 1 channel advantage using ACSSB over FM using a 25 Khz slot.

Conclusion

1) Reallocation of spectrum in the 420-450 Mhz from Federal to PMRS primary status will disrupt the present Amateur secondary activities in this band.
2) The LMCC proposal did not survey the actual use of Amateur Repeaters and linking activities within the 420-450 Mhz band.
3) The 1390-1400, 1427-1432, 1670-1675 Mhz bands will have little benefit to displaced 420-450 Mhz ARS Systems. Equipment availability in these bands are rare.
4) The ARS should become the primary user of 420-450 Mhz. The ARS occupies this spectrum with existing repeater, linking, ATV and Packet systems.
5) LMCC should look at unused spectrum at TV channels 14 through 20.
6) Any new service or frequencies for PMRS proposed should use spectrum efficient modes such as ACSSB.

Respectfully submitted,

Dan Kasteler, ARS N7HIW

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of	)	
	)	
Proposed Reallocation of 420	)	
To 430 MHz and 440 to 450 MHz	)	**RM 9267**
From the Federal Government to	)	
The Private Mobile Radio Service	)	

To: The Commission

COMMENTS ON PETITION FOR RULE MAKING

SUBMITTED BY
Douglas A. Sharp
PO Box 10542
Lynchburg, VA 24506-0542

May 28, 1998

May 29, 1998

Members of the Commission:

I am writing to go on record as being against RM9267, and wish to urge the denial of the Land Mobile Communications Council's request to advance this Request for Rulemaking to a Notice of Proposed Rulemaking (NPRM).

I have been involved with mobile communications for most of my life. I have been an active amateur radio operator for over twenty years, obtaining my novice license in 1977 at age 13. I later upgraded to general class, then advanced, then extra class in 1982. Amateur radio has had an incredible impact upon my life. Amateur radio has allowed me to experiment and learn about many aspects of HF, VHF, UHF, and SHF radio communications. My amateur radio activities provided me knowledge and experience that could not be obtained in the college classroom. Upon graduating from college I began work as an entry level engineer in the broadcast industry. This job exposed me to many sides of RF engineering, including both broadcast and land mobile communications equipment. A few years later I decided to move full time into the land mobile communications industry and accepted a position as a RF systems engineer designing land mobile communication systems and equipment for numerous public safety, utility, government, and Private Mobile Radio Service (PMRS) customers.

Amateur radio shares the 420-430 MHz and 440-450 MHz spectrum on a secondary basis with the Department of Defense. Amateur radio operators use this spectrum in question heavily for repeater operation, auxiliary operation, control links,

digital packet radio, amateur television, and other emerging experimental modes. The amateur radio bands are a non-commercial national resource. The amateur bands are a place for any (licensed) citizen to experiment and enjoy wireless communications. One does not have to be a large corporation, or spends large amounts of capital, to experiment using amateur radio. The amateur bands are an electronic version of our National Parks where a citizen can come and enjoy a natural, non-commercial, portion of our country. Would the land within Yellowstone, Grand Canyon, or Yosemite National Park be better used if commercialized with hotels, restaurants, resorts, and condominiums? I think not.

As an amateur radio operator, I personally have over $12,000.00 invested in repeater equipment, and another $2000 in personal use equipment capable and currently operating in this part of the radio spectrum. Usage in this area of the amateur radio spectrum is heavy. Most amateur radio operators could not handle the very large investment necessary to change to another part of the spectrum, and that includes myself. Amateur Radio operators have always volunteered their time and equipment during times of disaster. But this proposal could outdate this equipment rendering it useless. Most amateur radio operators have invested their personal money over a period of many years, and to have to spend thousands of dollars all at once would be an insurmountable financial burden for most, causing a reduction in emergency communications capability for an extended period of time!

My objections to the LMCC proposal are not solely based upon its' personal impact to me as an amateur radio operator. I am also opposed since the LMCC proposal fails to reasonably address a number of technical issues.

Equipment manufacturers in the land mobile communications industry are constantly being challenged to design communications equipment that better utilizes the radio spectrum. This is not an optional activity, but a mandate from you, the FCC. We understand your message; better utilize the available radio spectrum. To this end, numerous companies have begun development of narrowband radios, digital radios, Amplitude Companded Single Sideband, Time Division Multiple Access (TDMA), and Code Division Multiple Access (CDMA) systems. The technology to place two users in a 25 KHz channel is available today, and four users in a 25 KHz channel will be available in the near future. Knowing this, why has LMCC not proposed a narrowband technology system?

Section 16 of the LMCC proposal details an example of how the lack of reliable communications channels is placing life and limb in jeopardy in the Port of Los Angeles. But are these stevedore operations best served using wideband conventional technology? Or would they be better served by using an analog or digital trunking technology? Trunked radio systems are available today, being offered by multiple manufacturers such as Ericsson, Motorola, or E.F. Johnson. For over ten years trunking has provided reliable communications, protecting the lives of the public safety users. The LMCC example of showing how five ships would each require a unique set of 16 channels (a total of 80

channels) could be effectively served with a two analog trunked system, or three channel digitally trunked system.[1]

Section 15 of the LMCC proposal outlines an example of how lack of radio frequency bandwidth can cause excessive delays in dispatch traffic. Section 17 outlines the shortage of radio spectrum available for airline operations. Trunking technology is currently utilized at most every major airport in the United States, such as the Dallas-Fort Worth International Airport. The DFW system currently supports over 2000 mobile and portable radios operating on ten trunked repeater channels. Again, use of a trunking technology would better utilize currently available spectrum while supporting real time dispatch traffic.

Section 55 of the LMCC proposal states that PMRS rely upon instantaneous communications and will be endangered if delayed even for a fraction of a second. This is true with all forms of Public Safety communications, and is effectively handled through trunking technology. Conventional repeater systems, as proposed by the LMCC, do not provide the level of service and availability they state they require.

Section 62 of the LMCC proposal reminds us of the Federal Emergency Management Agency (FEMA) requirement for primary and backup means of

[1] Within the land mobile community it is known that trunking technology can support between 100 and 250 users per repeater channel. A minimum loading of 100 radios per channel is required by FCC Part 90 regulations.

communication between a nuclear facility and numerous field locations. The LMCC is correct when they state that CMRS services cannot provide reliable coverage or service. But the LMCC fails to state that Amateur Radio is also utilized by numerous nuclear facilities under the FCC's Part 97 Radio Amateur Civil Emergency Service (RACES) or the American Radio Relay League's Amateur Radio Emergency Service (ARES) programs. Many of the communications systems, or channels, utilized by RACES and ARES are within the 420-430 MHz and 440-450 MHz amateur radio bands.

One area not mentioned in the LMCC proposal is the precedent set by the Commission requiring the PCS industry to pay for replacement of equipment displaced in the 1.7-2.3 GHz band. The DOD and Amateur radio deserve no less.

Another area not addressed by the LMCC proposal is the immediate use of higher frequency allocations above 1 GHz. First, In Section 12 the LMCC states, "Because PMRS systems are inherently designed for the service of small or distinct geographic areas (typically, less than 1000 square miles and often fractions of a square mile, in the case of low power operations), the wide area model applied for CMRS systems is inapplicable." Frequency allocations above 1000 MHz (1 GHz) would provide for localized communications as defined by the LMCC, as well as be easily "sectorized" systems to reduce co-channel interference. Co-channel operations could be "shorter spaced" above 1 GHz providing additional available communications channels. Second, building penetration, as mentioned in numerous places in the LMCC proposal, would be

greater above 1 GHz than at 420 MHz. Third, Full duplex operation would be easier due to the reduced size of duplex filters in handheld and mobile radios.

Additionally no proposal is made for the public auctioning of the requested spectrum removed from government and amateur (public) service. This precedent has been set and should continue when involving commercial use of radio spectrum.

Lastly, the LMCC states that it can share the 420-430 MHz and 440-450 MHz bands with existing amateur radio operations, but provides no specifics of the sharing plan. Can a successful sharing plan been demonstrated within existing PMRS allocations? This issue is not even listed in Section 92 of the LMCC proposal as an area to be addressed if a NPRM is issued.

In summary, The LMCC proposal fails to address both technical and administrative issues. I trust you to make an intelligent decision and deny the LMCC request to advance this petition to a Notice of Proposed Rule Making.

Respectfully submitted,

Douglas A. Sharp

Amateur Extra Class, callsign K2AD

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of	)	
	)	
Proposed Reallocation of 420	)	
To 430 MHz and 440 to 450 MHz	)	RM 9267
From the Federal Government to	)	
The Private Mobile Radio Service	)	

TO: The Commission

COMMENTS ON PETITION FOR RULE MAKING

SUBMITTED BY
DONALD L. WILLIAMS, JR.
412 RIDGEWAY DRIVE
BLUEFIELD, VA 24605-1630

May 26, 1998

Members of the Commission:

I speak as an amateur radio operator. Amateur Radio shares the 420-430 MHz and 440-450 MHz spectrum on a secondary basis with the Department of Defense.

Amateur Radio uses the spectrum in question heavily, for repeater stations, auxiliary stations, links (both simplex and full duplex), control links, digital packet radio communications and other modes, as well as both ATV and Slow Scan television communication.

As an amateur radio operator, I personally have approximately $2,500.00 invested in equipment which has the capabilities to use this part of the radio spectrum. Usage in this area of the amateur radio spectrum is heavy. Most amateur radio operators could not handle the very large investment necessary to change to another part of the spectrum, and that includes myself.

Here in the Bluefield vicinity there are eleven amateur radio repeaters within 30 miles of my home on this band. The population of this area is relatively small, probably less than 50,000, but the usage and investment is high, even for this small area. The total amateur radio investment in these repeaters and their associated links is somewhere in the vicinity of $125,000, which includes equipment for repeaters as well as links and control systems.

Individuals using these systems here number in the hundreds. Our amateur radio population capable of using these frequencies is approximately three hundred (which does not include all amateur radio operators—only those who own 420-450 MHz equipment at the present time). The average estimated investment in equipment per Bluefield area ham is $1000.00, or more than

$300,000 total. This does not include the $125,000 investment for the repeater stations themselves. Factoring in the population of the entire United States, this means that the investment of all USERS of 420-450 MHz amateur radio systems has to be somewhere near one billion dollars.

Should we ask your public, the amateur radio operator who donates his time to emergency communications in his community, to have to spend this money to move to another part of the spectrum, or worse yet, to lose this spectrum altogether? Most amateur radio operators have invested this money over a period of many years, and to have to spend thousands of dollars all at once would be an insurmountable financial burden for most. Because of this, amateur radio emergency communications capabilities would be severely hindered for an extended period of time.

The LMCC, in their petition, addresses Department of Defense use of these frequencies. Is the NTIA going to allow moving all of the military use off of this band? How much money will this cost taxpayers? They say that a reduction in military use is foreseen. Who forsees this? The military continues to become more and more sophisticated in their use of communications. Their usage will certainly not diminish. Certainly, in peacetime there is less usage, but what about wartime?

The LMCC mentions amateur radio almost as a passing comment, as if this spectrum is something that the amateurs can give up since they are secondary to the Department of Defense on this band. They don't understand that most of our linking between repeater systems, on both a local scope and a multi-state scope, takes place between 420 and 440 MHz. These are uses which

cannot be shared with pager and other land mobile uses without unworkable interference. These are uses which CANNOT be moved easily.

The Commission has already set a precedent in requiring the PCS industry to pay for replacement of equipment displaced in the 1.7-2.3 GHz band. DOD and Amateur radio deserve no less. Is the LMCC willing to invest this much?

The amateur radio community is depended upon when emergencies occur, particularly floods, hurricanes, tornadoes, fires, and other natural disasters. Those are the times that cellular telephones bog down. Those are the times that sophisticated commercial communication systems with one-point control are useless. Do we want to deprive our local emergency communications and public service personnel of versatile and reliable communication in times of emergency, when their dedicated systems fail?

I don't think we do. And I trust you to make an intelligent decision and deny the LMCC's request to advance this petition to a Notice of Proposed Rule Making.

Respectfully submitted,

Donald L. Williams, Jr., WA4K

412 Ridgeway Drive
Bluefield, VA 24605-1630
540-326-3338
email wa4k@sera.org

Date: May 26, 1998

DOCKET FILE COPY ORIGINAL

RM-9267

FCC MAIL ROOM
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RECEIVED

May 27, 1998
4003 Lewis Street
Middletown, OH 45044

Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street NW
Washington, DC 20554

RE: **Comments Opposing RM-9267**

Dear Sir:

I am filing these comments OPPOSITION to Petition for Rulemaking RM-9267, filed by the Land Mobile Communications Council.

I have been an amateur radio operator for 26 years. I hold an Amateur Extra class license, callsign W8EH. I am an active user of all amateur radio bands ranging from 160 meters through 70 centimeters (1.8 MHz to 450 MHz). I also hold a General Radiotelephone Operator License. I am Trustee and a member of the Dial Radio Club of Middletown, and member of the American Radio Relay League. I am also a member of the Salvation Army Team Emergency Radio Network and Skywarn.

I am a member of three of the organizations that are members of the LMCC, the International Municipal Signal Association, Association of Public Safety Communications Officials and American Automobile Association. These organizations support of this petition is NOT what all their members want, including me.

I am personally involved in the operation of several stations in the 420-450 MHz segment. I am the licensee/trustee for stations in the 420 to 450 MHz band; two repeaters 444.825/449.825 MHz and 444.475/449.475 MHz; five auxiliary stations on 441 MHz and 446 MHz bands; two low speed digital (packet) links in the 441 MHz band; and high speed wide band digital (packet) links in the 420 to 430 MHz band. I am also involved in satellite and weak signal operations in the 430-440 MHz band. As you can see, the reallocation of primary status in 420-430 MHz and/or 440-450 MHz band segments to the Private Mobile Radio Service ("PMRS") would have a significant adverse affect on the amateur radio community here in my area and on me personally. All of these systems cannot be accommodated in the remaining 430-440 MHz band.

The LMCC claims, without evidence, amateur radio stations could operate in this spectrum on a secondary basis with PMRS stations. Amateur Radio Service activities would be significantly disrupted, and may prove entirely impractical. The sharing

arrangement we now have with government radiolocation is a perfect marriage, our operations don't disrupt theirs.

The 420 to 450 MHz band is the second most popular above 50 MHz. Use of this band has been in a state of constant growth. The coordinated repeaters in the 440 to 450 MHz segment have grown to the point that 'split' frequencies are being used in our area. This section of the band is almost full. The repeaters in this segment are critical for the amateur radio service needs and cannot be easily replaced elsewhere. The LMCC did not show in their petition how they could 'share' with our 'conventional' repeater systems or how our present operations can be accommodated on other bands. I DON'T think they can.

In addition to reducing the emergency communications capability of the amateur radio service, such disruption of long-established amateur radio service systems would have a significant economic impact on me as well as thousands of other amateur radio operators who have made significant investments in equipment for use on these frequencies. The total investment in the above systems is over $9000, not including the labor needed to install and maintain them. Does the LMCC propose to reimburse incumbent systems for their loss and/or cost to relocate?

The Dial Radio Club (of which I am a member) is heavily involved in the operation of a 19.2kbps data network that uses frequencies in the 420-430 MHz segment to provide data communication between Columbus, Cincinnati, and Dayton, Ohio. Loss of this segment would remove the primary packet radio link between these major metropolitan areas, and would scrap $3000 worth of equipment. This system is a major part of the Skywarn weather-spotting network.

The 420-430 MHz band also contains a high profile amateur television repeater output that is used and viewed by many amateur operators in the Dayton/Middletown area.

There are thousands of amateur operators nationwide that own voice transceivers and data radios, which operate in the 440-450 MHz segment. The many hundreds of thousands of dollars invested in this equipment would likely be lost if RM-9227 were adopted. As I said above, this is the second most popular amateur band above 50 MHz. Not all the operation on these frequency bands is listed in a database or book anywhere either. There are numerous uncoordinated operations including auxiliary links, television, voice simplex operation, packet radio, satellite operators and spread spectrum systems.

These economic losses may seem small to an organization like the LMCC, but nearly all this investment has been made by individuals or small clubs funded primarily by membership dues. It has nothing to do with profit. It's about public service.

RM-9227 would not result solely in economic loss, however. Systems in these band segments provide important emergency communications service. These systems are used to support Skywarn weather spotters, local county disaster groups (RACES), the Red Cross, the Salvation Army and other public service organizations. There is no guarantee

that these operations could be accommodated on other bands if they were no longer permitted at 420-430 or 440-450 MHz.

The LMCC is jumping the gun here with the proposed frequency grab. The planned switch to digital broadcast television will be freeing up vast frequency bands for their use in the next 10 years. Transfer of other 'government bands' to commercial use will provide other additional frequency bands for them. The 420–430 and 440–450 MHz bands are not unoccupied by any means. They are heavily used and the use is growing. They should look elsewhere for their needs.

The amateur radio bands should be viewed as a natural resource that should be preserved. Kind of like a national park, set aside and not to be exploited by businesses. A little green space. These frequency bands, once lost, cannot be easily replaced.

I believe that adoption of RM-9227 would significantly hurt the amateur radio service and its ability to comply with the amateur radio rules, to serve the public interest. It would also hurt individuals who have invested in amateur radio equipment. This petition, in as far as it pertains to amateur radio service frequencies, should be denied.

Respectfully submitted,

Ernest W. Howard, Jr.
Amateur Radio Station W8EH

Enclosure: Original and four copies

Before the

FEDERAL COMMUNICATIONS COMMISSION

1919 M Street, NW
Washington, D.C. 20554

In the Matter of

The LMCC's proposal	)	
to REALLOCATE THE 70-CM BAND TO PMRS	)	RM-9267
Titled, "OPPOSITION to the LMCC's	)	
Request to Reallocate Primary Status	)	
of 70-cm to the Private Mobile Radio	)	
Service."	)	

To: The Chief; Private Wireless Division

Wireless Telecommunications Bureau

OBJECTION TO

REALLOCATION OF PRIMARY 70-cm STATUS TO PMRS

Robert James Benko, N8TNT
P.O. Box 528
Laingsburg, Michigan 48848

May 22, 1998

I am writing this letter to express my opposition to the Land Mobile Communications Council's (LMCC) request that primary user status of the 70-cm band be reallocated from the federal government to the Private Mobile Radio Service (PMRS).

As an amateur radio operator, I enjoy the use of the 70-cm band as a secondary user, and I would like this to remain this way or for the amateur radio service be moved to Primary Status in the 420 to 450 MHz spectrum segment as Co-Existing with the military and other government stations.

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There are thousands of Amateur Radio Service Repeaters that currently exist in the 420 to 450 MHz spectrum segment. I currently own and operate a repeater at 442 MHz. A lot of people have lots of money tied up in these systems. These systems are used for many types of communications. There is also point to point channels that linked systems depend on. A lot of the 420 to 450 MHz range is heavily used in Michigan and in other states. A lot of the 420 to 450 MHz repeaters fill in, in many counties and cities where other 144 to 148 MHz & 222 to 225 MHz repeaters which can't be allocated because of spacing of them. This allows the Amateur Radio Service to provide the best in communications when normal communications is not possible, such in times of tornadoes, hurricanes, and other forms of disasters. Therefore I feel that it is in the best interest of the public, and the Amateur Radio Service, that we retain these frequencies. Sharing of these frequencies would prove to be impossible, and many amateur radio repeaters, links frequencies, and amateur television stations exists throughout the 420 to 450 MHz range.

I do not feel that amateur radio operators should share the frequencies described in the LMCC's request, RM-9267, with the PMRS. Therefore, I would encourage the LMCC to seek another alternative, in other frequency ranges.

Thank you,

Robert James Benko

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
An Allocation of Spectrum for	)	
Private Mobile Radio Services	)	RM-9267
	)	

To: The Secretary,
Federal Communications Commission

STATEMENT OF OPPOSITION TO RM-9267

The following statement is in opposition to the Land Mobile Communications Council's proposal to re-allocate the 420-430 MHz and 440-450 MHz frequency spectrum to commercial, private, land mobile applications. I also wish to ask that the Commission change the Amateur allocation from secondary to co-primary with the U.S. government. Prior to the Cold War era, the Amateur Radio Service was a primary status user of these frequencies. With the tremendous success of the modern "no code" Technician license and the resulting high growth of Amateur UHF operations, this is the perfect time to restore Amateur Radio's historic primary status within the 420-450 MHz band.

The 420-450 MHz Amateur allocation is the second most used Amateur VHF/UHF band. The LMCC has requested "sharing" this band with Amateur operations yet provides no explanation for how "sharing" might be accomplished. Based on the history of "sharing" with commercial services (particularly the example of AVL companies "sharing" 902-928 MHz who ordered hams off the air), "sharing" means that Amateur operations will be evicted from the band at the hands of private entities. This can (and does) occur when commercial, for profit services "share" with not-for-profit, community service oriented Amateur Radio operations.

Amateur Radio has and will continue to share its VHF/UHF allocations with *mutually compatible* services and operations. These have included, the U.S. government, the U.S. military, NOAA doppler wind shear radar and other government radiolocation services. Amateur Radio has a long and proud history of supporting the U.S. armed forces and NOAA through the National Weather Service's SkyWarn system. For these reasons, there is a *mutual interest in sharing between compatible services* like Amateur

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Radio and the U.S. government. However, there are ***no*** *mutual interests* with for-profit private land mobile services. "Sharing", as in the AVL example, will result in Amateur Radio's eviction from the 420-430 and 440-450 MHz bands, which will prove very harmful to the mission of the Amateur Radio service.

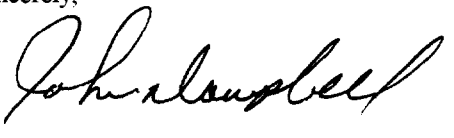
Many government agencies and non-profit disaster relief organizations would be tremendously harmed by the loss of the Amateur 420-430 and 440-450 MHz allocations. The following is a partial list of agencies that I have assisted with providing emergency communications via Amateur Radio using the 420-450 MHz band:

- American Red Cross
- Central Ohio Severe Weather Spotter Net (N.O.A.A.)
- Ohio Emergency Management Agency

Private and for-profit radio services interests are mutually incompatible with the Amateur Radio Service. Sharing between private land mobile and the Amateur Radio Service, as proposed by the LMCC, will not work. The 420-450 MHz band is the second most used VHF/UHF Amateur Radio allocation. The loss of these frequencies will cause severe disruption to the mission of Amateur Radio, as specified in C.F.R. Title 47 Part 97.1, and will render severe harm to the Amateur's ability to support numerous government and non-profit relief agencies.

I respectfully request that you DENY the request of the LMCC to share the Amateur radio allocations at 420-430 and 440-450 MHz. Furthermore, I request that the Commission seriously consider restoring Amateur Radio's historic co-primary status in the entire band 420-450 MHz.

Sincerely,



John N. Campbell (WB8MWI)
14950 Fladt Rd.
Marysville, OH. 43040

May 26, 1998

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of	)	
	)	
Land Mobile Communications Council	)	
Petition for reallocations of Spectrum	)	**RM-9267**
For the Private Mobile Radio Services	)	

Re: Comments of:
Ralph S. Turk, Chairman
Frequency Coordination Committee
Amateur Radio Council of Arizona
209 West Elm Street
Tucson AZ, 85704
(P.O.B 5188)
(Tucson AZ, 85703)

29 May 1998

To: The Commission

The Amateur Radio Council of Arizona is a not for profit corporation that represents the Amateur Radio Clubs located in the state of Arizona. We are composed of over 40 clubs. Through our member clubs, we represent well over 12,000 licensed amateur radio Operators.

One of the standing committees of "A.R.C.A." is the "A.R.C.A." Frequency Coordination Committee. It is the stated purpose of the Frequency Coordination Committee to facilitate the coordination of repeaters, remote base and link communications within the state of Arizona and to represent our membership to the Federal Communications Commission in matters concerning the membership. Currently we have coordinated over 600 systems state wide used by our over 12,000 members.